

REMARKS/ARGUMENTS

In response to paragraph 1 of the Office action, applicants have herein canceled the non-elected claims, claims 33-78.

In response to paragraph 2 of the Office action, the abstract has been amended to delete the sentence referring to the restocking packages.

In response to paragraph 4 of the Office action in which claims 14-32 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, appropriate amendments have been made. For example, in claim 14, the preamble has been amended to recite that the carousel is for use “in conjunction with a database” and that the database provides “data indicative of items to be picked from the carousel to fill a plurality of orders”. The word “picks” has been replaced by the phrase “items to be picked”. Similar changes have been made throughout the other claims.

With respect to claim 16, the Examiner indicated that the language “ the computer is responsive to data representative of picks for more than one dispensing device is unclear”. As shown in Fig. 1, the carousel may be located at the centralized storage location 10 and be used to generate restocking packages which are sent to decentralized storage locations 12-1 through 12-N where various types of dispensing devices (such as the AcuDose-Rx cabinet 26 shown in Fig. 3) may be located. Finally, in response to paragraph 4, claim 19 has been amended to replace “said processor” with “said computer”. In view of the foregoing amendments and remarks, it is believed that the claims are now in condition for allowance with respect to U.S.C. § 112, 2nd paragraph, and it is respectfully requested that that rejection be withdrawn.

Independent claims 14 and 29 and dependent claims 15 and 30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Wilson et al (Wilson). Claim 14 has been amended to include the limitations of claims 17 and 18, which the Examiner indicated as being allowable in paragraph 9 of the Office action. It is respectfully submitted that claim 14, and its remaining dependent claims (claims 15 and 16) are in condition for allowance.

With respect to claim 29, it is submitted that Wilson does not disclose a restocking package of any type, let alone a transportable restocking package which is filled at the carousel, transported to the dispensing device, and attached to the dispensing device. The teaching of Wilson appearing at column 6, lines 20 –35 is to move the cart containing the bins into an automated loading device attached to a pharmacy computer. That would be analogous, in the context of applicant's figure 1, of moving Wilson's cart from a decentralized storage location back to the centralized storage location for refilling. It appears from the section of Wilson cited by the Examiner that the refilling is done directly on the cart, without use of any type of intermediate restocking package. Accordingly, it is respectfully submitted that amended claim 29 is patentable over Wilson and that the rejection of claim 29 under 35 U.S.C. §102(e) as being anticipated by Wilson be withdrawn.

In paragraph 8 of the Office action, independent claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Arnold et al (Arnold). Claim 19 has been amended to include the limitations of claims 22 and 23, which the Examiner indicated as being allowable in paragraph 9 of the Office action. It is respectfully submitted that claim 19, and its remaining dependent claims (claims 20 and 21) are in condition for allowance.

In paragraph 8 of the Office action, independent claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Arnold. It is the Examiner's position that with regard to claim 24 that "Wilson et al. includes all the claimed features including a handheld device 82 for communicating to the computer 74 when a pick is completed and for displaying another pick (column 5, lines 40-52 and column 6, lines 7-15), but does not disclose a printer response to the computer." It is respectfully submitted that Wilson et al. does not disclose the limitation as asserted by the Examiner.

Wilson et al. discloses that the device may be activated via the operator's computer/scanner 82 which can operate the cart via an IR or RF unit or be a computer built into the cart. As described in Wilson et al. in column 5 and continuing to column 6, once the nurse has logged on, a list of patients will be displayed for the location and the health facility service by the cart. The nurse will then select a particular patient from a list of patient names and the particular patient's medication information will then be displayed on the nurse's computer.

When the medications are removed, the nurse may scan the medication with the computer's scanner, and the computer will cross-check the medications against the patient's medication information in the computer. There is no indication that after the item has been picked, another item to be picked is displayed. Rather, the inference is that the process needs to begin anew, with the nurse selecting a patient from the list of patients. Accordingly, it is respectfully submitted that the limitation of claim 24 is not disclosed in Wilson et al., nor in the secondary reference, Arnold et al., which is cited for the broad teaching "of providing a medication dispensing cart having a computer with a printer response of thereto". For the foregoing reasons, it is respectfully submitted that claim 24, and its dependent claims (25-28) are in condition for allowance.

Paragraph 9 of the Office action indicates that claims 31 and 32 would be allowable if rewritten to overcome rejections under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. Inasmuch as claims 31 and 32 depend from claim 29, which is believed to be in condition for allowance, applicants have not rewritten claims 31 and 32 as suggested by the Examiner. However, applicants reserve the right to present the subject matter of claims 31 and 32, and the limitations of the base claim and any intervening claims, as independent claims at a later date.

The undersigned attorney has recently become responsible for the prosecution of U.S. Patent Application 09/480,819 entitled "Automated Restocking Of Distributed Medication Dispensing Cabinets Using An Automated Dispensing System," which is assigned to the same assignee as the instant application. A copy of an Office action issued in that application, as well as an Information Disclosure Statement listing the available references disclosed in that application, is enclosed for the convenience of the Examiner.

The Examiner's attention is directed to U.S. Patent No. 5,597,995 which discloses the use of a vertical carousel having pick lights to indicate the position on the shelf to find the drug product (column 6, lines 29-36) and the use of cubby holes 286 having pick lights 288 (column 7, lines 22-35).

Also disclosed is advertising literature from a Baker carousel, believed to have been sold in the mid 1990's, a "Baker Carousel – White Carousel operation Instructions 2000 Series Power

File", and a Pharmacy 2000 User's Guide. The Baker carousel was capable of operating in a sort mode in which the memory organized randomly stored inputs so that the inputs would be retrieved in ascending bin order. It is believed that the claims indicated as being allowable by the Examiner remain allowable in view of this additional art.

Applicants have made a diligent effort to place the instant application in condition for allowance. Accordingly, a notice of allowance for claims 14-16, 19 -21, and 24 -32 is earnestly requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the Examiner is respectfully requested to contact applicants' attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,



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